



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1994/NGO/26
7 February 1994

Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 12 (b) of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

- (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT
PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR
IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL
COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF
THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND
SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

Written statement submitted by the Inter-Parliamentary Union,
a non-governmental organization in consultative status
(category I)

The Secretary-General has received the following written statement
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

1. The Inter-Parliamentary Union, 1/ deeply concerned by the situation in
the former Yugoslavia, has taken a stand on this problem on two different
occasions. Two resolutions were adopted, at the 89th and 90th
Inter-Parliamentary Conferences.

1/ As of January 1994, 125 national Parliaments are represented in the
Inter-Parliamentary Union as members. IPU also has three international
parliamentary assemblies as associate members: Andean Parliament, Latin
American Parliament, Parliamentary Assembly of the Council of Europe.

2. In the first, the Union expresses its view as regards the protection of minorities and the prevention of further loss of life in order that peaceful coexistence and respect for human rights can be restored in the former Yugoslavia.

3. The second resolution concerns the case of external displacement as a consequence of the conflict in Bosnia and Herzegovina and urges Governments to adopt measures to encourage the acceptance and repatriation of such persons. The members of the Commission on Human Rights will find below for their information the text of these resolutions.

THE NEED FOR URGENT ACTION IN THE FORMER YUGOSLAVIA, PARTICULARLY AS REGARDS THE PROTECTION OF MINORITIES AND THE PREVENTION OF FURTHER LOSS OF LIFE IN ORDER THAT PEACEFUL COEXISTENCE AND RESPECT FOR HUMAN RIGHTS CAN BE RESTORED FOR ALL PEOPLES

Resolution adopted without a vote 2/ by the 89th Inter-Parliamentary Conference (New Delhi, 17 April 1993)

The 89th Inter-Parliamentary Conference,

Deplores the conflict in the former Yugoslavia, especially in Bosnia and Herzegovina, and condemns the atrocities against minorities, women and children,

Strongly condemning the practice of "ethnic cleansing" and most particularly the use of systematic rape of women and girls as a weapon of war, and declaring that such violations of human rights are most heinous war crimes and must be considered crimes against humanity,

Recalling the resolution adopted by the 88th Inter-Parliamentary Conference (Stockholm, September 1992) concerning the situation in Bosnia and Herzegovina,

Expressing deep concern that, despite all the relevant resolutions adopted by the United Nations Security Council, there has been a continuing escalation of violence, aggression and occupation of territories, causing millions of displaced persons and refugees, particularly in Bosnia and Herzegovina,

Emphasizing that the international community should seek a solution which does not reward aggression,

1. Supports current international sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and designed to end the fighting and place pressure upon those responsible for the conflict to reach an immediate settlement, and calls on the international community to take further measures to stop the aggression;

2/ The delegation of Yugoslavia expressed its opposition to this resolution on account of the content of operative paragraph 1.

2. Emphasizes the need for more effective implementation of the United Nations total arms embargo on all sides in order to ensure its equal impact on all parties as a means to end the continuing aggression;
3. Endorses the decision taken by the United Nations Security Council in its resolution 808 (1993) to establish an international tribunal for the prosecution of persons responsible for violations of international humanitarian law committed in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina;
4. Reasserts the right of all communities to live in peace and security within their internationally recognized borders;
5. Expresses appreciation to all those undertaking peace-keeping and humanitarian aid action, especially under the auspices of the United Nations;
6. Recognizes the right of self-defence of United Nations peace-keeping troops, and calls on all parties to ensure their safety so that they can discharge their duties effectively in the field of humanitarian aid and peace-keeping;
7. Demands that humanitarian aid efforts be unimpeded by all parties to the conflict;
8. Strongly condemns all violations of humanitarian law and fundamental human rights in the former Yugoslavia, especially in Bosnia and Herzegovina, as well as the practice of "ethnic cleansing", and calls on those responsible to cease such violations immediately and ensure full respect for humanitarian law as well as the human rights and fundamental freedoms of all persons, regardless of their race, sex, language or religion;
9. Firmly condemns all forced demographic changes in the occupied territories of the former Yugoslavia, especially in Bosnia and Herzegovina;
10. Calls on countries to help refugees fleeing from the conflict;
11. Urges the creation of the necessary conditions for the safe repatriation of all displaced civilians and refugees to their homes as soon as possible;
12. Categorically condemns the systematic rape of women and girls in the former Yugoslavia, especially in Bosnia and Herzegovina, and urges the belligerent parties immediately to cease violence against women and girls;
13. Declares that systematic rape of women and girls in armed conflicts is a war crime and must be designated as a crime against humanity under international law;
14. Calls for the appointment of a special woman rapporteur, at the United Nations Commission on Human Rights, for human rights violations committed against women, and suggests the establishment, within the framework of the United Nations, of a relief fund for the victims of systematic rape;

15. Calls on all parties to respect international humanitarian law and to release immediately all persons arrested arbitrarily or detained;
16. Supports the efforts of those pursuing effective peace plans and bringing the warring parties together in an attempt to achieve a peaceful resolution, and welcomes international efforts to end the conflict in order to prevent it from spreading;
17. Demands that the Bosnian-Serb side sign without further delay the Vance-Owen peace plan as the other parties to the conflict in Bosnia and Herzegovina have already done;
18. Asks the Inter-Parliamentary Council to consider sending a special IPU mission to the former Yugoslavia, in accordance with article 1, 2 (b) of the Statutes, to hold consultations with regard to human rights and to support efforts for peace in the region;
19. Suggests that, following the settlement of the conflict, the Inter-Parliamentary Council also considers sending a mission to observe the return of refugees and displaced persons to their homes;
20. Urges national parliaments and Governments to take all necessary measures to protect human rights, implement humanitarian law, promote peace and achieve a lasting solution to the underlying causes of conflict in the former Yugoslavia.

EXTERNAL DISPLACEMENT AS A CONSEQUENCE OF THE CONFLICT IN
BOSNIA AND HERZEGOVINA AND OTHER WARS AND CIVIL WARS

Resolution adopted without a vote 3/ by the 90th Inter-Parliamentary
Conference (Canberra, 18 September 1993)

The 90th Inter-Parliamentary Conference,

Gravely concerned that armed conflict in Bosnia and Herzegovina and other wars and civil wars are causing disaster for a huge number of people and that the victims are mostly civilians, particularly women, children and the elderly who are forced to flee their homes for safety, and further concerned by massive human rights violations, particularly the ongoing practices of expulsion and displacement in the war zones of Bosnia and Herzegovina and other areas of conflict,

Bearing in mind that external displacement as a consequence of wars and civil wars causes serious political, economic and social instability in neighbouring regions also,

3/ The delegation of Viet Nam expressed reservations about operative paragraph 5, and the delegation of Yugoslavia about operative paragraph 4 (a).

Emphasizing the fact that various international legal instruments qualify displacement, expulsion and deportation of populations as crimes against humanity or war crimes,

Recalling the resolutions adopted by the 89th Inter-Parliamentary Conference on transparency in arms transfer and on the former Yugoslavia,

Aware that minorities or other groups differing from the majority population in terms of their ethnic, religious or cultural backgrounds are often among the first victims of displacement,

1. Urges Governments and the world community to take forceful and decisive steps towards achieving peace in areas of conflict, war and civil war;
2. Severely condemns the odious practice known as "ethnic cleansing" in war-torn Bosnia and Herzegovina;
3. Expresses its abhorrence of the continued brutalization of the civilian population - often on ethnic grounds - in these areas and other areas of conflict where systematic terrorizing of civilians regularly precedes their eviction from their ancestral homes;
4. Calls on Governments and the United Nations, as appropriate, to develop political and legal safeguards against further deportation and displacement inter alia through:
 - (a) Speedy implementation of United Nations Security Council resolutions establishing an international tribunal of criminal justice for prosecuting persons responsible for serious violations of international humanitarian law in the former Yugoslavia, and the implementation of the tribunal's decisions in fulfilment of States' obligations as Members of the United Nations;
 - (b) Unequivocal support for the mandate of the International Law Commission (ILC) to draw up a statute for an international criminal court and for the relevant articles of the Draft Code of Crimes against the Peace and Security of Mankind prepared by the ILC;
 - (c) Elaboration of a convention against expulsion and displacement of populations complementary to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, effectively banning such displacements and making them punishable under international law;
5. Supports the recommendation of the United Nations World Conference on Human Rights (Vienna, June 1993) to the United Nations General Assembly to begin, as a matter of priority, consideration of the question of the establishment of a High Commissioner for Human Rights;

6. Appeals to all States which have not yet done so to ratify all relevant conventions and protocols relating to the expulsion and displacement of populations caused by wars and civil wars, in particular the relevant Geneva Conventions of 1949, their Additional Protocols of 1977 and the Convention against Genocide;

7. Urges Governments to support and fully cooperate with the United Nations High Commissioner for Refugees (UNHCR) in order to effectively improve the treatment of the victims of conflicts, wars and civil wars;

8. Calls on all parliaments to urge their respective Governments to continue to facilitate the work of the International Committee of the Red Cross (ICRC) and to allow that body to fulfil its humanitarian mission;

9. Urges the Governments of the countries of origin of refugees and other displaced persons to adopt effective economic, political and social measures to encourage the repatriation of such persons, and appeals to the international community to help and promote the execution of such measures with due regard for the UNHCR principles covering such activities;

10. Appeals to all Governments to grant refuge to the victims of expulsion and displacement, exert all possible efforts to make their repatriation feasible by applying United Nations resolutions concerning this problem in the different conflicts throughout the world, and assist the United Nations and other bodies in providing them with dignified living conditions.
